

**Minutes of the Louisiana Sentencing Commission
Department of Corrections Headquarters, Building 1
504 Mayflower, Baton Rouge, LA 70802
July 16th, 2015
1:00 p.m.**

The meeting was called to order by Honorable Ricky Babin at 1:10 p.m.

Members Present

Honorable Ricky Babin, Chairman
Honorable Charles Ballay (by phone)

Mr. Robert Barkerding (by phone)
Honorable Louis Daniel
Mr. John Diguilio (proxy for Mr. David Dugas)

Mr. Richard Pittman (proxy for Honorable James T. Dixon)
Honorable Hans Lilgeberg (proxy for Honorable Greg Guidry)
Mr. Cheney Joseph
Ms. Angela Whittaker (proxy for Secretary James LeBlanc)
Honorable Terry Landry (proxy for Honorable Joseph Lopinto)(by phone
Honorable Jules Edwards (proxy for Honorable Jay B. McCallum)
Mr. Carle Jackson
Honorable Helena Moreno

Committee and Advisory Members

Rhett Covington, DPS&C
Frank Difulco, LASC

Tyler Downing, LCLE
Jennifer Eagen, LASC
Martha Morgan, Youth Services

Marjory Patterson, LCLE
Tracy Rathburn, DOC
Jennifer Watson, LCLE
Opal West, LCLE

Guests

Linda Lala Duscoe, CURE
Dan Krutz, LA Interchurch Conference

I. Welcome and Introductions
Honorable Ricky Babin

Mr. Ricky Babin welcomed members and attendees.

II. Approval of Minutes
Honorable Ricky Babin

Motion by Honorable Louis Daniel. Seconded by Honorable Helena Moreno. No objections.

III. Synopsis of 2015 Legislative Session
Mr. Carle Jackson

Mr. Carle Jackson explored relevant issues to the Louisiana Sentencing Commission.

Act 65 – Restores Theft of Livestock and Theft of Timber. Retains original penalty structure.

Act 85 – Provides for domestic abuse assistance, add “dating partners” and “non-physical” offenses, modifies elements for temporary restraining orders and protective orders, and the duties of a law enforcement officer when there is reason to believe the abusing party is in violation of a temporary restraining order, a preliminary or permanent injunction, or a protective order.

ACT 137 Tightens the applicability of illegal possession of stolen things by removing any exemption for an act committed with fraudulent, willful, or criminal knowledge.

ACT 184 Renames aggravated rap, forcible rape, and simple rape to first degree rape, second degree rape, and third degree rape.

ACT 187 New Crime (R.S> 14:91.14) of unlawful distribution of material harmful to minors through the internet.

ACT 189 Adds additional substances to Schedule IV of the UCDSL, eliminates Hydrocodone compounds from the Schedule III to Schedule II, and other adjustments to the UCDSL .

ACT 256 Renames the rape statute as in ACT 184, and clarifies the elements of sexual battery by stipulating that the

touching can occur directly or through clothing, and creates misdemeanor sexual battery.

ACT 261 Medical Marijuana governed by rules and regulations established by the Board of Pharmacy, the Department of Agriculture, and the Board of Medical Examiners.

ACT 373 Adds substances to Schedule 1 of the UCDSL and amends provisions relating to synthetic cannabinoids.

ACT 440 Provides relative to domestic violence. Expanding coverage, providing greater specificity in regard to treatment, improving record keeping, and increasing some sentences including:

Increasing the maximum sentence from six months to two years for a third or subsequent conviction of violation of a protective order that does not involve a battery or crime of violence against the person named in the order (with or without hard labor) and increasing the minimum mandatory from 14 to 30 days when the violation involves a battery or crime of violence. Expanding coverage for domestic abuse aggravated assault to include "Household members" and stalking.

IV. Collateral Consequences of Conviction

Honorable Ricky Babin noted the state of prohibition should be the focus.

V. Office of Juvenile Justice Studies

Ms. Martha Morgan

A. Education

B. Age of Majority for Criminal Matters

Ms. Martha Morgan passed out a copy of House Concurrent Resolution 64 passed in the last session of the legislature which creates "the Education in Alternative Settings Study Commission to study and make recommendations on educational programs in juvenile justice settings and during transitions between the community and juvenile justice settings". She also briefed the Commission on House Concurrent Resolution 73, passed last legislative session, which seeks "To urge and request the Institute of Public Health and Justice to study the current state of the juvenile justice and criminal justice systems to understand the potential impact of raising the age of juvenile jurisdiction to include seventeen-year olds."

VI. Reports of Committees

Honorable Ricky Babin

A. Release Mechanisms and Re-Entry Committee

Ms. Jennifer Eagen

Release Mechanisms plans to unify with re-entry court, to analyze what methods work best in certain jurisdictions, than combine those working methods to try in a struggling jurisdiction. The committee recommends to increase substance abuse counseling. During the sub-committee referendum, Dr. Singh addressed the imperative nature of mental health. Honorable Helena Moreno agreed mental health needs to be a priority. Chairman Ricky Babin noted mental health's importance, but should be handled on a local level.

B. Research and Technology

Mr. Frank DiFulco

At the request of LCLE on behalf of the Sentencing Commission; the Supreme Court was asked to respond to the BJS National Judicial Reporting Program (NJRP) Sentencing Commission Survey of the 22 state sentencing commissions. Chief Justice Johnson approved and CMIS responded to the survey request - which asked CMIS to identify data reported by the courts when reporting dispositions.

CMIS continue to work with the Courts and District Attorney's to improve the reporting of disposition data to state criminal history and FBI NICS.

CMIS posted the following categories and records to the FBI NICS system as of June 30, 2015:

1,717	Felony Convictions
23	Not Guilty by Reason of Insanity
196	Incompetent to Stand Trial
1,524	Misdemeanor Crimes of Domestic Violence
750	Misdemeanor Probation Prohibitions
490	Court Ordered firearm prohibitions
373	Civil Judicial Commitments

The Louisiana Protective Order Registry received and entered 3,497 criminal orders of protection and 6,040 civil orders of protection.

VII. Next Meeting

The next meeting of the Louisiana Sentencing Commission will be September 17th, 2015

VIII. Adjourn

Honorable Charles Ballay motioned to adjourn. Seconded by Honorable Cheney Joseph. No objections. The meeting was adjourned at 2:45 p.m.